

ORDINANCE NO. _____ - 2021

AN ORDINANCE CHANGING THE ZONE FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE TO A LIGHT INDUSTRIAL (I-1) ZONE, FOR 3.13 NET (6.97 GROSS) ACRES, AND FROM A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE TO A LIGHT INDUSTRIAL (I-1) ZONE, FOR 1.69 NET (1.83 GROSS) ACRES, FOR PROPERTY LOCATED AT 804-808 AND 805 NEWTOWN CIRCLE. (COLLINS AND MILLER PROPERTIES, LLC; COUNCIL DISTRICT 1).

WHEREAS, at a Public Hearing held on April 22, 2021, a petition for a zoning ordinance map amendment for property located at 804-808 and 805 Newtown Circle from a Neighborhood Business (B-1) zone to a Light Industrial (I-1) zone for 3.13 net (6.97 gross) acres, and from a Wholesale and Warehouse Business (B-4) zone to a Light Industrial (I-1) zone, for 1.69 net (1.83 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 6-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 804-808 and 805 Newtown Circle from a Neighborhood Business (B-1) zone to a Light Industrial (I-1) zone for 3.13 net (6.97 gross) acres, and from a Wholesale and Warehouse Business (B-4) zone to a Light Industrial (I-1) zone, for 1.69 net (1.83 gross) acres, more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction shall apply via conditional zoning:

- a. Prohibited Uses:
 1. Self-storage warehousing
 2. Outdoor storage
 3. Billboards
 4. All above ground and underground storage tanks for liquid fuel
 5. On-site disposal of any hazardous waste materials
 6. Mining of non-metallic minerals and/or radium extraction
- b. All establishment and facilities that store, or transport hazardous materials shall be designed to provide spill containment facilities and shall have emergency response plans approved by the appropriate Hazmat regulator (DEEM, Fire Department of EPA, as

necessary).

These restrictions are appropriate and necessary for the following reasons:

1. To protect the appearance of the Newtown Pike corridor as a gateway into Lexington promoting employment that is appropriate along Lexington's freight corridor.
2. The Planning Commission has adopted a Wellhead Protection Plan for the Royal Spring Aquifer, which sets forth a plan to ensure a continual source of potable groundwater from Royal Spring for Georgetown and Scott County, and to preserve the integrity of surface waters. This plan has been approved by the Kentucky Division of Water on 8/28/03.
3. The proposed restrictions within the Wellhead Protection Area will better protect the surface and groundwater in the area by prohibiting some uses and requiring "best management practices: for other uses that could potentially be harmful to the wellhead, thus ensuring greater compliance with the Royal Spring Wellhead Protection Plan.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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